



## DECLARATION FOR REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

### HIGH LEVEL OF EXPRESSION OF INGAP IN BACTERIAL AND EUKARYOTIC CELLS

the specification of which

is attached hereto.

☐ was filed on September 8, 2000 as Application Serial Number 09/659,379 and was amended on July 19, 2001; April 4, 2002 and October 30, 2002; and March 22, 2004.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

#### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (Day, Month, Year)	Status — Patented, Pending, Abandoned
08/794,096	30 October 1996	abandoned

- (1) We believe that the original patent which issued on this application, U.S.5,804,421, is wholly or

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 824-3000

partially inoperative or invalid by reason of the patentee claiming less than it had the right to claim and because of defects in the specification as detailed below:

- Dependent claims 7 and 8 improperly refer to an additional element (a promoter sequence) which is in actuality already recited in independent claim 1 (as a transcriptional initiation site); therefore the promoter sequence is not an additional element;
- Applicants claimed less than they were entitled to claim in failing to claim oligonucleotide primers for amplifying the mature INGAP coding sequence;
- Applicants claimed less than they were entitled to claim in failing to claim a method of forming an expression construct for producing INGAP.

(2) Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicants.

(3) And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the practitioners at Customer No. 22907.

(4) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 824-3000

Signature [Signature] Date Nov 8 2006  
Full Name of First Inventor VINIK, Aaron I.  
Family Name First Given Name Second Given Name  
Residence 40 Rader Street # 603, Norfolk, VA 23510  
Citizenship U.S.  
Post Office Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Second Inventor PITTENGER, Gary L.  
Family Name First Given Name Second Given Name  
Residence 3701 Prince Andrew Lane, Virginia Beach, VA 23452  
Citizenship U.S.  
Post Office Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Third Inventor RAFAELOFF-PHAIL, Ronit  
Family Name First Given Name Second Given Name  
Residence 15416 Heath Circle, Westfield, IN 46074  
Citizenship Israel  
Post Office Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Fourth Inventor BARLOW, Scott W.  
Family Name First Given Name Second Given Name  
Residence 1634 E. Ocean View Avenue, #3C Norfolk, VA 23503  
Citizenship Canadian  
Post Office Address (Same as above)

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 824-3000

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
First Inventor VINIK, Aaron I.  
Family Name First Given Name Second Given Name

Residence 40 Rader Street # 603, Norfolk, VA 23510

Citizenship U.S.  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature *May L. Pittenger* Date 9/8/04  
Full Name of \_\_\_\_\_  
Second Inventor PITTENGER, Gary L.  
Family Name First Given Name Second Given Name

Residence 3701 Prince Andrew Lane, Virginia Beach, VA 23452

Citizenship U.S.  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Third Inventor RAFAELOFF-PHAIL, Ronit \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 15416 Heath Circle, Westfield, IN 46074

Citizenship Israel  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Fourth Inventor BARLOW Scott W.  
Family Name First Given Name Second Given Name

Residence 1634 E. Ocean View Avenue, #3C Norfolk, VA 23503

Citizenship Canadian  
Post Office \_\_\_\_\_  
Address (Same as above)

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 824-3000

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
First Inventor VINIK, Aaron I.  
Family Name First Given Name Second Given Name

Residence 40 Rader Street # 603, Norfolk, VA 23510

Citizenship U.S.  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Second Inventor PITTENGER, Gary L.  
Family Name First Given Name Second Given Name

Residence 3701 Prince Andrew Lane, Virginia Beach, VA 23452

Citizenship U.S.  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature Rafaeloff Phail Date 10/26/04  
Full Name of \_\_\_\_\_  
Third Inventor RAFAELOFF-PHAIL, Ronit \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence ~~15416 Heath Circle, Westfield, IN 46074~~ RRP 10/26/04 5862 CARVEL AVE . INDIANAPOLIS IN 46220

Citizenship Israel United States RRP 10/26/04  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Fourth Inventor BARLOW Scott W.  
Family Name First Given Name Second Given Name

Residence 1634 E. Ocean View Avenue, #3C Norfolk, VA 23503

Citizenship Canadian  
Post Office \_\_\_\_\_  
Address (Same as above)

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 824-3000

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
First Inventor VINIK Aaron I  
Family Name First Given Name Second Given Name

Residence 40 Rader Street # 603, Norfolk, VA 23510

Citizenship U.S.  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Second Inventor PITTENGER Gary L.  
Family Name First Given Name Second Given Name

Residence 3701 Prince Andrew Lane, Virginia Beach, VA 23452

Citizenship U.S.  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Third Inventor RAFAELOFF-PHAIL Ronit \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 15416 Heath Circle, Westfield, IN 46074

Citizenship Israel  
Post Office \_\_\_\_\_  
Address (Same as above)

Signature Scott W. Barlow Date 10/24/2004  
Full Name of \_\_\_\_\_  
Fourth Inventor BARLOW Scott W.  
Family Name First Given Name Second Given Name

Residence 1822 EDGEWOOD AVE, NORFOLK, VA 23503 sub 10/27/2004  
1634 E. Ocean View Avenue #3C Norfolk, VA 23503

Citizenship Canadian  
Post Office \_\_\_\_\_  
Address (Same as above)

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 824-3000